

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**CHILLY DIL CONSULTING INC., a
Florida corporation,**

Plaintiff,

V.

CIVIL ACTION NO. 3:14-cv-02749-N

JETPAY ISO SERVICES, LLC, a Texas limited liability company; JETPAY, LLC, a Texas limited liability company; JETPAY CORPORATION, a Delaware corporation; and TRENT R. VOIGT, an individual,

Defendants.

**NONPARTY BACKPAGE.COM, LLC’S MOTION FOR ONE-DAY EXTENSION OF
TIME TO FILE RESPONSE IN OPPOSITION TO PLAINTIFF’S
MOTION TO COMPEL**

Pursuant to Federal Rule of Civil Procedure 6(b), nonparty Backpage.com, LLC (“Backpage”) seeks this Motion to Extend its time to file its Response and Brief in Opposition to *Plaintiff’s Motion to Compel Non-Party Backpage.com, LLC to Comply With Subpoena Duces Tecum and to Hold Backpage in Contempt* [Dkt. No. 117] (the “Motion”) and respectfully would show the Court as follows:

1. On June 16, 2016, Plaintiff filed the “Motion.”¹
2. Under Local Rule 7.1, the deadline to file a response and brief in opposition to the Motion is July 7, 2016.

¹ The Motion contained no certification that Backpage had been properly served, and no service has been attempted other than simply by filing the Motion through the Court's CM/ECF system. Although Backpage has previously filed a Motion to Intervene in this lawsuit for the limited purpose of opposing Plaintiff's motion to amend and add Backpage to this lawsuit, that motion has not yet been granted; and, thus, questions remain about whether Backpage is properly before the Court with respect to the present Motion. Regardless, Backpage has assumed that it is subject to the ordinary response deadline under the L.R. 7.1

3. In sum, the Motion asserts that Backpage has failed to respond to a broad 66-category subpoena, and should, thus, be held in contempt.

4. In light of work-related conflicts, travel, holidays and other obligations among Backpage's outside counsel and the internal personnel necessary to formulate a full and complete response, Backpage requested that Plaintiff stipulate to a one-week extension of time to respond. On July 5, 2016, Plaintiff refused that request.

5. In light of Plaintiff's refusal to agree to the kind of routine extension of time that is customarily unopposed, Backpage has worked with great diligence to prepare a full and complete response on or before July 7, 2016.

6. However, despite the best of Backpage's efforts, and in light of the fact that Plaintiff has asserted non-compliance with 66 categories of requests, Backpage is unable to fully evaluate, provide evidence and argument as to each of these requests, while marshalling a response that fairly and completely evaluates each of them, by the end of the day on July 7, 2016.

7. Backpage has not previously requested any extension of time in this matter, and this extension is not for the purpose of delay, but so that it can provide the Court with a full, complete and accurate response based on the size and scope of its forthcoming response to this Motion.

8. In addition to being the subject of a subpoena-related motion, Backpage is also the subject of other previously-filed briefing, namely, Plaintiff's request to bring Backpage into this case as a party and to amend its Complaint accordingly. Although Backpage opposes those efforts as well, a brief delay in responding to the present Motion cannot possibly result in

prejudice to Plaintiff, as Backpage's ultimate position in this case is still undetermined.

WHEREFORE, for good cause shown, Backpage requests that the Court grant its motion and order that Backpage's Response and Brief in Opposition to Plaintiffs' Motion be filed on or before July 8, 2016.

Dated: July 7, 2016.

Respectfully Submitted,

/s/ Ann Marie Painter

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ATTORNEYS FOR BACKPAGE.COM, LLC

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, the undersigned certifies that Backpage took the following steps to determine whether Plaintiffs would oppose Backpage's motion: On July 5, 2016, counsel for the parties conferred regarding the appropriateness of extending the deadline at issue in this Motion. Counsel for Plaintiff refused to agree to an extension of time.

/s/ Ann Marie Painter

Ann Marie Painter

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing to all counsel of record for all parties via the Court's CM/ECF system on the 7th day of July, 2016.

/s/ Ann Marie Painter

Ann Marie Painter